REMARKS

Claims 1-59 are pending. The Action states that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I: Claims 1-31; and

Group II: Claims 32-59.

For purposes of providing a complete reply to the Action, Applicants elect the invention of Group II (Claims 32-59) for prosecution on the merits. This election is made with traverse, however, because the nature of the subject matter is such that it would enable the Examiner to search the claims of Groups I and II together. Moreover, Applicants respectfully submit that it would not create an undue hardship on the Examiner to search Groups I and II together. (See M.P.E.P. § 803).

Claims 34-39, 54-55 and 58-59 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 32, 35, 40, 42-46, 48-50 and 52-53 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,326,612 to Goulait ("Goulait"). Claims 32, 34-56 and 58-59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Goulait in view of U.S. Patent No. 6,503,855 to Menzies et al. ("Menzies"). Claim 33 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Goulait in view of U.S. Patent No. 6,217,693 to Pelham ("Pelham") or U.S. Patent No. 6,342,285 to Shepard et al. ("Shepard"). Claims 33 and 57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Goulait in view of Menzies and further in view of Pelham or Shepard.

Applicants respectfully traverse the rejections under 35 U.S.C. §112, 35 U.S.C. §102 and 35 U.S.C. §103 for at least the reasons set forth below.

§112 Rejections Are Overcome

The Action states that Claims 34-39, 54-55 and 58-59 fail to comply with the enablement requirement. Specifically, the Action states that, with respect to Claims 34-35 and 58, the specification fails to teach how to configure the loop structures to engage hooks from a hook component having the claimed hook density or hook lengths. In response, Applicants respectfully submit that one skilled in the art would understand that the loop structures of a hook component engage hooks from a hook component by the hooks becoming ensnarled in the loop structures. In Applicants' Specification, it is stated:

> In general, hook and loop fastening systems include a male hook member, having a plurality of upstanding hook engaging elements, and a female loop member having a plurality of loops in which the hook members become ensnarled to effect fastening engagement of the two components. (Applicants' Specification, Page 1, Lines 16-21).

> A loop component according to embodiments of the present invention can have loop structures configured to engage hooks from a hook component having a hook density between about 30 and 400 hooks per square centimeter. (Applicants' Specification, Page 4, Lines 23-27).

Claim 34 recites that the loop structures of the spunlaced fabric are configured to engage hooks from a hook component having a hook density between about 30 and 400 hooks per square centimeter. One skilled in the art would understand that Applicants' loop structures are configured to ensnarl hook components of a hook component in the claimed density range. Hooks of a hook component are ensnarled by the loop structures of a female loop member in the same way regardless of the density of the hooks, and one skilled in the art would understand this.

With respect to Claims 36-39 and 59, the Action states that the specification fails to teach how to make loop structures with the claimed peel strengths or sheer strengths. With respect to Claim 54, the Action states that the specification fails to teach how to make a spunlaced fabric and backing layer with the claimed Frazier permeability. With respect to Claim 55, the Action states that the specification fails to teach how to make a spunlaced fabric and backing layer with the claimed MD grab tensile strength. In response, Applicants respectfully submit that the claimed loop component achieves the various claimed properties

as a result of the absence of interbonded fibers in the loop structures. In Applicants' Specification, it is stated that:

> Referring now to **Fig. 1**, a method of forming a loop component for use in a hook and loop fastening system, according to embodiments of the present invention, includes forming a spunlaced fabric having a plurality of loop structures from a plurality of non-interbonded fibers (*i.e.*, fibers not bonded to other fibers) in a fibrous web of material (Block **100**), optionally embossing the spunlaced fabric with a decorative pattern or other decorative indicia (Block **200**), and optionally bonding the spunlaced fabric to a backing layer (Block **300**). ... The loop structures can have a peel strength of between about 50 grams and 2000 grams (preferably 300-700 grams) using ASTM D5170-98, and can have peak shears of between about 1,000 and 15,000 grams (preferably 1,800-9,000 grams) using ASTM D5169-91. (Applicants' Specification, Page 4, Lines 12-31).

Thus, Applicants' Specification does teach one skilled in the art how to obtain the various claimed properties. Accordingly, the indefinite rejections under 35 U.S.C. §112, second paragraph, are overcome.

§102 Rejections Are Overcome

A claim is anticipated under 35 U.S.C. §102 if each claimed element is found in a single prior art reference. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by an ordinary artisan. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d at 1576.

Applicants' Claim 32 recites a loop component for use in a hook and loop fastening system, comprising:

> a spunlaced nonwoven fabric having a plurality of loop structures formed by entangling a plurality of non-interbonded fibers in a fibrous web of material, wherein the plurality of loop structures define a landing zone for receiving hooks from a male component of a hook and loop fastener, ***wherein the loop structures in the landing zone contain no interbonded fibers, wherein between about two percent and about twenty-five percent (2%-25%) of a surface area of the landing zone is bonded in one or more patterns*** to reduce fiber fuzzing and pull out caused by hooks engaging with and disengaging from the loop structures of the loop component, and ***wherein loop structures remaining in the landing zone contain no interbonded fibers***.

Applicants' independent Claim 56 contains similar recitations.

According to embodiments of Applicants' invention, a female component of a hook and loop fastening system is formed by entangling fibers in a spunlaced fabric to form loop structures ***without requiring any bonding to form the loop structures***. It is the entangling process that forms the loop structures for the female component without the necessity for ***any*** bonding. Goulait does not teach forming loop structures by entangling non-interbonded fibers in a fibrous web of material. Moreover, the Action fails to identify any passage in Goulait that teaches this. On page 13, Goulait states:

> The quantity of inter-fiber bonding depends on the type of nonwoven material used when the female component 22 is manufactured. The nonwoven web 30 used could be initially unbonded and then later bonded during the process of manufacturing the female component 22. For instance, the female component 22 could be made by bonding an unbonded layer of loose fibers to a backing material, in which case there may be no inter-fiber bonds 42. (Goulait, Col. 12, Lines 41-49)

The last sentence of the above cited passage of Goulait states that a female component of a hook and loop fastening system could be made by bonding an unbonded layer of loose fibers to a backing material. However, to form loop structures suitable for a female component of a hook and loop fastening system, Goulait **must** bond the fibers together. Loose fibers simply do not have loop structures. Certainly, Goulait may start with non-bonded fibers and may bond these fibers to a backing layer. But, to form loop structures for a female component, Goulait must bond fibers together. The loose fibers, without any bonding, do not have loop structures. As such Goulait does in fact ***require bonding to form loop structures.***

In sharp contrast, Applicants have discovered how to form loop structures suitable for a female component of a hook and loop fastening system by entangling the fibers of a spunlaced fabric, something that, heretofore, has not been done. Applicants' loop structures are formed without any bonding whatsoever. Goulait does not teach or suggest forming loop structures by entangling unbonded fibers in a spunlaced fabric. In support thereof, attached hereto is a declaration of A. Frank Baldwin, Jr. under 37 C.F.R. §1.132.

To those skilled in the art, it would be clear that Goulait, when read in its entirety, requires inter-fiber bonding in order to form loop structures. For example, Goulait states that "the amount of inter-fiber bonding between the fibers 36 of the nonwoven web 30 is important to the female component 22 of the present invention." (Goulait, Col. 12, Lines 33-35). Although Goulait states that an excessive number of inter-fiber bonds will interfere with the entry of the hooks (Goulait, Col. 12, Lines 38-40), Goulait also states that unbonded or partially bonded fibers will be uncapable of entangling and holding the hooks of a hook component. (Goulait, Col. 10, Lines 56-61). Clearly, Goulait requires inter-fiber bonding to form loop structures.

Nothing in Goulait describes entangling the fibers of a spunlaced fabric to produce loop structures for a female component of a hook and loop fastening system. Moreover, nothing in Goulait describes bonding between about two percent and about twenty-five percent (2%-25%) of the surface area of the landing zone in one or more patterns to reduce fiber fuzzing and pull out caused by hooks engaging with and disengaging from the loop structures of the loop component, and wherein loop structures remaining in the landing zone contain no interbonded fibers. Thus, Applicants respectfully submit that Goulait does not

disclose all of the recited elements of independent Claim 32 or independent Claim 56. As such, independent Claims 32 and 56, and all claims depending therefrom, are not anticipated by Goulait and the rejections under 35 U.S.C. §102 are overcome.

§103 Rejections Are Overcome

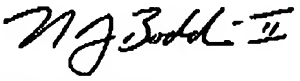
For at least the same reasons set forth above with respect to 35 U.S.C. §102, Applicants respectfully assert that the primary reference, Goulait, fails to teach or suggest a loop component for use in a hook and loop fastening system, comprising a spunlaced fabric having a plurality of loop structures formed by entangling ***a plurality of non-interbonded fibers*** in a fibrous web of material, as recited in Applicants' independent Claims 32 and 56. Moreover, Goulait actually teaches away from an absence of inter-fiber bonds as set forth above with respect to the discussion of 35 U.S.C. §102.

The secondary reference, Menzies, describes a laminated composite suitable for use in medical products such as tapes and wraps. The composite includes a first nonwoven fiber layer, an elastic layer, a melt blown adhesive fiber layer, and a second nonwoven fiber layer. The non-woven fiber layer(s) and/or the scrim layer form suitable loops for a hook and loop fastening system. Menzies fails to teach or suggest a spunlaced fabric having a plurality of loop structures formed by entangling ***a plurality of non-interbonded fibers*** in a fibrous web of material. Moreover, no clear and particular evidence has been set forth as to why Menzies would lead one skilled in the art to remove the inter-fiber bonds in the Goulait nonwoven web in order to provide a spunlaced fabric having a plurality of loop structures formed by entangling ***a plurality of non-interbonded fibers*** in a fibrous web of material. Also, no clear and particular evidence has been set forth as to why Menzies would lead one skilled in the art to remove the inter-fiber bonds in the Goulait nonwoven web when Goulait specifically states that the amount of inter-fiber bonding between the fibers of the nonwoven web is important to the female component (Goulait, Col. 12, Lines 33-35) and that unbonded or partially bonded fibers will be uncapable of entangling and holding the hooks of a hook component. (Goulait, Col. 10, Lines 56-61).

Nothing in Menzies, Pelham or Shepard describes bonding between about two percent and about twenty-five percent (2%-25%) of the surface area of the landing zone in one or more patterns to reduce fiber fuzzing and pull out caused by hooks engaging with and disengaging from the loop structures of a loop component, and wherein loop structures remaining in the landing zone contain ***no interbonded fibers***. Accordingly, Applicants respectfully request withdrawal of the present rejections under 35 U.S.C. §103.

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

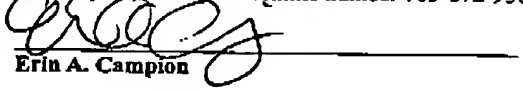


Needham J. Boddie, II
Attorney for Applicants
Registration No. 40,519

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Doc. No. 415646

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office on February 10, 2005 via facsimile number 703-872-9306.



Erin A. Campion